

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LAWRENCE I. FRIEDMANN,

Plaintiff,

- against -

RAYMOUR FURNITURE CO., INC., and LUCY
GOLDSTEIN, individually.

Defendants.

12 CV 1307
(LDW) (AKT)

**REPLY DECLARATION OF TARA EYER DAUB, ESQ. IN FURTHER
SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

TARA EYER DAUB, ESQ. declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner with the firm of Nixon Peabody LLP, attorneys for defendant Raymour Furniture Company, Inc., d/b/a Raymour & Flanigan Furniture ("Defendant" or "Raymour & Flanigan") in the above-referenced matter. As such, I am fully familiar with the facts and circumstances of this case.
2. I submit this reply declaration in further support of Defendant's motion, pursuant to Federal Rules of Civil Procedure 56, for an Order dismissing plaintiff Lawrence I. Friedmann's ("Plaintiff") Complaint in its entirety on the ground that there are no genuine issues of material fact to be tried.
3. In opposition to Defendant's motion, Plaintiff implies that Defendant did not produce the coaching plans of two other employees as referenced in Defendant's June 4, 2003 letter to the Court in connection with Plaintiff's appeal of Magistrate Tomlinson's discovery

rulings. (See Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment at 14, n. 2).

4. Contrary to Plaintiff's assertion, on June 4, 2013, Defendant produced these two coaching plans to Plaintiff. Defendant sent the cover letter and documents to Plaintiff's counsel by both regular mail and electronic mail, to Mr. Harmon and Mr. Andrews, on that date.

5. Further, Plaintiff himself previously acknowledged receipt of these documents in a Court-filed document. (See Docket Entry No. 64 at p. 18).

6. Plaintiff's efforts to mislead the Court in this regard should not go unnoticed.

7. For the reasons set forth in the accompanying Reply Memorandum of Law, defendant Raymour Furniture Company, Inc., d/b/a Raymour & Flanigan Furniture respectfully submits that the Complaint be dismissed in its entirety, that Defendant be awarded its reasonable attorneys' fees and costs, and the Court should grant such further and other relief as this Court deems just and proper.

Dated: June 28, 2013
Jericho, New York



Tara Eyer Daub (TE-7943)